

Upper Yuba River Studies Program Combined Public Meeting Notes September 7 to September 16, 1999

Between September 7, and September 16, 1999, the Upper Yuba River Studies Workgroup held a series of public meetings on behalf of the Upper Yuba River Studies Program. The meetings were held in Olivehurst, Rocklin, Nevada City, Oakland and Yuba City to provide the public with an update of the Upper Yuba River Studies Program (Studies Program). Additionally, the public was provided an opportunity to ask questions of Workgroup members and provide comments on the process. Attendance for the five meetings was approximately 275 people.

Each meeting featured a one-hour presentation based on the Workgroup agreements, a question and answer period, and an opportunity for one-on-one communications. The presentation outlined the history of CALFED and the Upper Yuba River Studies Program, the Workgroup agreements on process, team representation, issue areas, and potential study topics. Presenters included Dave Munro, Shawn Garvey, Terry Mills, Tim Feller, Charles Alpers, Jen Carville, Jim Eicher, Mike Fitzwater, Julie Tupper, and Les Nicholson. Bonnie Nixon of Public Affairs Management facilitated the meetings.

After the presentation, the public was invited to write down their questions and comments and submit them. Question Cards and longer Comment Cards were available to provide full opportunity to have their comments, issues, and concerns brought to the Workgroup. Questions were grouped by topic, read by Bonnie Nixon, and a member of the presentation team was asked to respond.

On September 23, 1999, the Communications Group met to discuss the outcome of the public meetings, and respond to issues raised as a result of the question and answer period. The Communications Group discussed these issues within the context of previous Workgroup actions, and the need to address the public's concerns regarding the Studies Program. The following recommendations are the product of those discussions.

Stakeholder Representation

ISSUE

There were a series of questions regarding Workgroup and Team representation. Most questions were based on the perception of equality (or inequality) between different/divergent interests, and their overall representation in the process. Additionally, there was some concern about Team Alternates and their role in Team and Workgroup activities. The primary questions asked were: "Will the present Workgroup members be able to adequately represent all stakeholders as the process continues? Will expansion or reconstitution of the current Workgroup roster help improve stakeholder representation? Can the current Team and Workgroup structure be preserved while allowing for greater participation by Team Alternates?" It was mentioned that

there appeared to be more people representing environmental interests than those representing property owners, recreation, reclamation districts, etc. Some concern was raised that this could skew the study process in favor of decommissioning the dam. However, the presenters were able to show that there was adequate stakeholder representation in the current Workgroup structure.

RESPONSE

Team leaders indicated that they had chosen their teams based on the best levels of representation possible. They agreed that balancing stakeholder representation, while maintaining a manageable number of representatives on each Team, was difficult.

The Communications Group discussed a variety of alternatives that might improve stakeholder representation in the process. The range of options included: increasing the number of Team Representatives, establishing another Team that would represent property owners and recreational users, and providing for increased participation by allowing Alternates to participate in Team and Workgroup meetings. The group had concerns about making any significant changes to Team structure, and representation. Members felt that making significant changes in Workgroup representation might disrupt the study process and delay Phase II implementation. As the group reviewed all of the public input from the public meetings they determined that no significant new issues had been raised.

RECOMMENDATION

The Communications Group decided to make the following recommendation to the Workgroup:

1. The total number of Team Representatives would be maintained at 11.
2. The total number of Team members will be limited to 21 (11 Representatives and 10 Alternates & Technical Advisors). The task of designating whom would serve as an Alternate or Technical Advisor would be left to each Team.
3. In order to allow greater access to Team and Workgroup activities, Alternates and Technical Advisors would be invited to Team meetings (with full participation) and to Workgroup meetings (observe only).
4. The voting structure for conflict resolution should remain unchanged.

Press and Public Access

ISSUE

Closely related to the issue of representation was a concern raised regarding public and press access to the Workgroup and Team meetings. The public thought that the proceedings should be more open and questioned whether the current process violated open meeting laws.

RESPONSE

Workgroup members discussed and responded that the process was designed to minimize the type of distractions that characterized the early Olivehurst and Penn Valley meetings. They reiterated that the Team leaders agreed to the process as it was being implemented and that it was

easier to develop consensus on difficult issues outside the public eye. It was emphasized that the participants wanted to avoid trying the issues in the press, and instead wanted to develop a set of "facts" that the Workgroup could reach consensus prior to releasing information to the public. CALFED mentioned some concern regarding this issue, and felt that it might be time to re-assess the current approach.

Since the public meetings, CALFED has determined that the current Workgroup structure and operation does not violate any open meeting laws. The Communications Group felt that the current structure served the process well to date, and since all Workgroup agreements can be found on the Internet, there was no need to change the process.

RECOMMENDATION

The Communication Group has no recommendation for changes to the Workgroup regarding press and public access to the meetings.

Lake Habitat

ISSUE

Several questions were asked about Englebright Lake and whether the studies provided enough focus on the "Lake Environment." There was concern that by not mentioning the lake specifically, the interests represented by the lake may not be adequately studied.

RESPONSE

Workgroup members pointed out that the "Lake Environment" was actually part of the Upstream Issue Area. They mentioned that lake interests like recreation, property and business values, and resident flora and fauna were intermixed within the six established Issue Areas.

The Communication Group agreed with this assessment, but felt that some effort needed to be made to call out places where lake specific issues were being studied within the established Issue Areas. There was significant conversation regarding the option of creating a new Issue Area dedicated to the lake environment. The group reasoned that lake issues were well represented in the studies so far, and that the Workgroup needed to communicate and document this more effectively. These discussions lead to the following recommendation.

RECOMMENDATION

The Communications Group has the following recommendation:

1. Call out Lake factors within each existing issue area.
2. In the next Newsletter, describe the current Issues/Evaluation Factors from a geographic standpoint (upstream, lake, downstream)

Fatal Flaw

ISSUE

Several questions were asked regarding the definition of "fatal flaw." There was concern that the process was being manipulated to avoid a fatal flaw, allowing the process to proceed despite the discovery of a fatal flaw. Changing the study purpose from "re-introduce" to "introduce" was given as an example of avoiding a fatal flaw.

RESPONSE

Workgroup members said that there had been no effort to avoid a fatal flaw, and that the change in the study purpose was within CALFED's charter. Additionally, all agreements made by the Workgroup, like those in the study purpose, were reached by consensus agreement.

The Communications Group concluded that the process was not designed to find fatal flaws. Each study would reveal what data was available, and that the objective analysis of the data would determine if any given proposal was feasible. Essentially the studies should be allowed to stand on their own, and not be directed at locating fatal flaws. The group could find no deficiency in the process as it is currently structured.

RECOMMENDATION

The Communications Group has no recommendation for changes to the Workgroup regarding fatal flaws.

Recreation

ISSUE

Similar to the concerns regarding adequately representing the lake environment, several questions indicated concern that recreation is not given enough emphasis in the study process. The public felt that recreation is such a key factor in the Lake Englebright economy that it deserved its own issue area. They felt that by including recreation as a sub-issue of economics, it was not getting the attention it deserved.

RESPONSE

Workgroup members emphasized that recreation would be a key area of study in the process. They noted that several members of the Lake Team represented recreational interests, and that it was unlikely that these interests would be overlooked. Furthermore, they called everyone's attention to the basic workgroup principle that local economic interests must be kept whole by the process. Certainly this effort to protect stakeholders includes recreational interests.

The Communications Group agreed that recreation is adequately addressed by the studies as they are currently structured. The group found that recreation represented, to a large degree, the emotional bond that many people have for this place. It was this sense of place that was threatened by the process, and that the Workgroup needed to make a special effort to understand, represent, and document this emotional bond.

RECOMMENDATION

The Communications Group has the following recommendation:

1. Make clear to the public in the next newsletter, that the Workgroup is aware of their emotional, spiritual, and social sensitivities regarding the Program. Ultimately these sensitivities have been and will continue to be part of the dialogue.
2. Clarify in the next Newsletter that the Issue Areas are interrelated and that no issue stands alone. Additionally, even though some issues are not expressly called out (like Recreation & the Lake) as a specific Issue Area, they are intertwined and are the foundation of some parts of the study process.

Fish Hatcheries, Ladders, and other Transport Devices

ISSUE

A number of questions were asked regarding the use of fish hatcheries, ladders, and other devices as a possible alternative to altering the dam. There was a strong sense that these technological strategies could render the discussions moot regarding Englebright and the Upper Yuba River.

RESPONSE

Workgroup members, primarily Terry Mills of CALFED, effectively dealt with these questions during the public meetings. However, the Communications Group discussed how these questions seem to relate to a broader, and perhaps more serious issue, regarding the overall purpose of the Study Program. It was felt that the Workgroup needs to better explain the synergy between the Studies Program, CALFED's goals for the Habitat Restoration Program, and the Endangered Species Act.

RECOMMENDATION

The Communication Group recommends that the Workgroup through the Newsletter and other public outreach materials, provide a better explanation of the relationships between the Endangered Species Act, CALFED's Habitat Restoration Program, and the Upper Yuba River Studies Program.

Power Generation, Flood Control, & Water Supply

ISSUE

The public was very interested in the potential effects of dam removal or re-operation on a variety of related issues. There were many questions regarding power generation, downstream flood protection, and regional water supplies. In essence, all of these issues are impacted in much the same way depending on the outcome of the Studies Program. The effects on power generation, flood control, and water supply in the study area are all to some degree associated with Englebright Dam's operation. For example, the loss of power generation by removal or re-operation of the dam might necessitate securing an alternate source of energy. Removal or re-

operation of the dam might affect downstream flood control as well. Removal or re-operation may also have effects on other facilities on the river, which may affect these issues as well.

RESPONSE

These issues were raised at all of the public meetings. The presenters deferred to the agreements of June 18th, and the Newsletter, and were able to explain that these issues would be covered during the Phase 2 study process. In fact, Flood Control and Water Supply are Issue Areas. Power generation is covered in the Economics Issue Area.

RECOMMENDATION

The Communications group reviewed these questions and agreed that the study process as currently framed will adequately deal with these issues. The group had no recommendation for changes to the Workgroup regarding these questions.

Why Englebright Dam

ISSUE

A number of questions seemed to reflect a concern that CALFED was targeting Englebright to the exclusion of other facilities on other rivers. These concerns were typically raised with a variety of other issues like flood control, water supply, energy, population growth or fire protection. There was a fear that the Studies Program was a cover for a decision that had already been made.

RESPONSE

The Workgroup members explained that CALFED had not singled out Englebright, but rather the selection of Englebright was part of a statewide program looking at a variety of facilities. Furthermore, Workgroup members did an adequate job explaining that issues regarding flood control, water supply, energy, etc., would be addressed during the study process. The respondents showed that no conclusion would be drawn regarding the fate of the dam prior to completing the studies. However, as with issues like recreation, the Workgroup may want to provide a more detailed explanation of how the various Issue Areas, study objectives, and CALFED's goals will work together in Phase II to produce an unbiased report. The public needs to be re-assured that CALFED has not already determined what will happen to the Dam, and that the studies are not a fait accompli. The Communications Group recognized that this effort may take some time, since the specific studies (or at least their implementation) within each Issue Area have not been determined.

RECOMMENDATION

The Communications Group recommends that the Workgroup through the newsletter and other public outreach materials, provide an outline of Phase 2 studies and how they will interact with each other. This may include a modestly detailed outline of other projects that CALFED is currently engaged in as a result of the Habitat Restoration Program.

Other Issues - Meeting Procedures

ISSUE

The Communications Group discussed the meeting process and what if any improvements or changes in format or content could be made to provide a more effective presentation to the public.

RESPONSE

In general the group felt that the meetings went well despite the claims of poor attendance, and there had been adequate public participation overall. The following comments were made about the public meetings:

1. It was recognized that using Question and Comment cards greatly increased the number of public inquiries that could be addressed by the presenters during the meeting, allowing more stakeholders to voice their comments and concerns about the Studies Program.
2. The group felt that individual Team members should more closely adhere to the voluntary agreement regarding non-Workgroup approved handouts at the public meetings. Several Team members (from both the Lake and River Teams) brought information and handouts to the meetings. The group recognized that strictly enforcing the rule may be difficult, and that participants had the right to bring information with them to the public meetings. However, in the spirit of the Workgroup agreements, the group felt that a gentle reminder should be included in all meeting advertisements and that a statement should be made regarding this agreement at the beginning of each meeting. This reminder should be made within the context of the original Workgroup agreement.
3. The group felt that the Workgroup may want to consider holding fewer (less than five) public meetings. Fewer meetings would allow the Workgroup to more efficiently disseminate study information, while providing the same level of stakeholder involvement. For example, the Olivehurst and Yuba City meetings could be combined given the proximity of the two communities.
4. Additional practice by presenters would be good and no changes to the presentation should be made after the first meeting.

Other Issues - Newsletter #2

The following draft format for the next newsletter was discussed by the Communications Group:

- Summary of public meetings
- Results of the October Workgroup Meeting
- A discussion of Phase 2 steps
- A discussion of the Endangered Species Act, and its relationship to CALFED and the Studies Program

- Explanation of Issue Areas from a geographic point of view

The Communications Group also discussed the mailing list for the next newsletter:

- Original Database (500)
- Sign-ins from the public meetings (150)
- Newsletter mail-ins (50)
- Media Contacts (250)
- Additional Lake Team Contacts (500)
- Additional River Team Contacts (500)